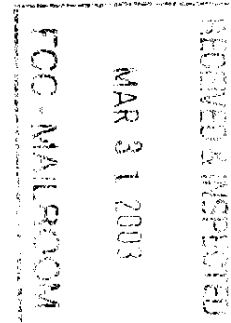




DOCKET FILE COPY ORIGINAL  
Federal Communications Commission  
Washington, D.C. 20554

C4C203

March 27, 2003



Mr. John F. Garziglia  
Womble Carlyle Sandridge  
& Rice, PLLC  
1401 Eye Street, N.W., Seventh Floor  
Washington, D. C. 20005

Dear Mr. Garziglia:

This is in response to the Petition for Rule Making you filed on behalf of Sutton Radiocasting Corporation requesting changes in the FM Table of Allotments at Clayton, Hiawassee and Young Hanis, Georgia, Dillsboro, Franklin and Webster, North Carolina, and Greeneville, Tennessee. We have reviewed the proposal and find that it is unacceptable for rule making at this time.

You have requested the substitution of Channel 281A for Channel 244A at Franklin, North Carolina, reallocation of Channel 281A to Webster, North Carolina, and modification of the license for Station WNCC to specify the new community of license. You have requested the following changes to accommodate the allotment at Webster: substitution of Channel 236A for Channel 281A at Clayton, Georgia, and reallocation of Channel 236A to Tiger, Georgia, with modification of the license for Station WRBN accordingly; substitution of Channel 244A for vacant Channel 236A at Young Hams, Georgia, and reallocation of Channel 244A to Hiawassee, Georgia; substitution of Channel 235C0 for Channel 235C at Greeneville, Tennessee, and modification of the license for Station WAEZ to specify operation on Channel 235C0; and a site change for vacant Channel 237A at Dillsboro, North Carolina.

A staff analysis has determined that the proposed request for a change of community of license for Stations WNCC, Franklin and WRBN, Clayton, does not comply with Section 1.420(i) of the Commission's Rules. Specifically, Channel 244A at Webster is not mutually exclusive with Channel 281A at Webster nor is Channel 281A at Clayton mutually exclusive with Channel 236A at Tiger. The change of community rule requires mutual exclusivity between the licensed facilities in the current community of license and the proposed allotment in the new community of license. You have also requested the substitution of Channel 244A for vacant Channel 236A at Young Hams and reallocation of Channel 244A to Hiawassee. Again, there is no mutual exclusivity between the channels and communities. Further, Section 1.420(i) applies to

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<sup>1</sup> The allotment of Channel 244A at Hiawassee assumes the downgrade of Station WDOD, Chattanooga, Tennessee, from Channel 243C to Channel 243C0. In a separate proceeding, Ronald C. Meredith has requested the downgrade of Station WDOD to allow for the allotment of Channel 244A at Lake City, Tennessee, as a first local service. An *Order to Show Cause* was issued to the licensee of Station WDOD on October 23, 2002, DA No. 02-2820 (RM No. 10591).

permittees and licensees. Since a construction permit has not been issued for the channel at Young Harris, your request for a change of community for Young **Hams** is premature.<sup>2</sup>

Based on the above discussion, we are returning your ~~petition for~~ rule making.

Sincerely,



John A. Karousos

Assistant Chief, Audio Division  
Media Bureau

Enclosure

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<sup>2</sup> See *Modification of FM and TV Authorizations to Specify a New Community of License* ("Change of Community"), MM Docket No. 88-256, 4 FCC Rcd 1870 (1989), *recon. granted in pan*, 5 FCC Rcd 7094 (1990).

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
 )  
(Clayton, Hiawassee and )  
Young Hanis, GA, Dillsboro, Franklin, )  
and Webster, NC and Greenville, TN) )

MB Docket No. \_\_\_\_  
RM-

FOC-A 4130004

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To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Sutton Radiocasting Corporation, as licensee of stations WNCC-FM, Franklin, North Carolina and WRBN(FM), Clayton, Georgia, by its attorneys and pursuant to Section 1.420 of the Commission's Rules, hereby submits this Petition for Rulemaking to propose allotments that will better serve the public interest than the existing scheme of allotments with respect to the subject stations and allotments. Though this Petition for Rulemaking, Sutton Radiocasting Corporation seeks to provide first local service to three communities through the allotment of Channel 281 to Webster, North Carolina, the allotment of Channel 236A to Tiger, Georgia, and the allotment of Channel **244A** to Hiawassee, Georgia. In support of the above allotments, the following is submitted:

**Summary of Proposal**

1. Sutton proposes the following allotment plan ("Allotment Plan"):
  - (A) Allot Channel 281A to Webster, North Carolina as first local service and modify the existing facilities of WNCC-FM to specify operation on Channel 281A to provide first local service to Webster;

- (B) Allot Channel 236A to Tiger, Georgia ~~as~~ first local service and modify the existing facilities of WRBN(FM), Clayton, Georgia to operate on Channel 236A to provide first local service to Tiger, Georgia;
- Issue an Order to Show Cause why WAEZ(FM) Greeneville, Tennessee should not be downgraded from a C to a CO;
- Specify new reference coordinates for the 237A allotment at Dillsboro, North Carolina (to a point that clears Channel 236A to allow for first local service to Tiger, Georgia);
- (C) Allot Channel **244A** to Hiawassee, Georgia for first local service in the place of the second service on Channel **236A** presently allotted to Young Harris, Georgia.

2. Thus, Sutton Radiocasting Corporation requests that the FM Table of Allotments be amended as follows:

Community	Present Channel	Proposed Channel
Webster, NC	---	281A <sup>1</sup>
Franklin, NC	244A	---
Tiger, GA	---	236A <sup>2</sup>
Clayton, GA	281.4	---
Hiawassee, <b>GA</b>	---	244A <sup>3</sup>
Young Harris, GA	236A	---
Greenville, TN	235C	235C0 <sup>4</sup>
Dillsboro, NC	237A	237A <sup>5</sup>

In sum, this Allotment Plan will result in first local service to three communities and second reception service to a significant additional population. There are no individuals that would be

<sup>1</sup> The proposed reference site for Webster, NC on Channel 281A is 35-19-40 North Latitude and 83-20-11 West Longitude, which is 10.9 kilometers west of the community of license.

<sup>2</sup> The proposed reference site for Tiger, **GA** on Channel 236A is 31-48-01 North Latitude and 83-32-11 West Longitude, which is 10.7 kilometers southwest of the community of license

<sup>3</sup> The proposed reference site for Hiawassee, **GA** is 35-02-55 North Latitude and 83-39-40 West Longitude, which is 13.95 kilometers northeast of the community of license.

<sup>4</sup> The licensed site for station WAEZ(FM), Greenville, TN is 36-04-34 North Latitude and 82-41-28 West Longitude.

<sup>5</sup> Proposed reference coordinates for Dillsboro, NC are 35-21-09 North Latitude and 83-06-53 West Longitude, which is 12.6 kilometers east of the community of license..

underserved as a result of implementation of this proposal.

### **Individual Components of the Proposal**

#### **The Commission Should Allocate Channel 281A to Webster, North Carolina as First Local Service**

3. Sutton, as licensee of station WNCC-FM, requests that the Commission substitute Webster, North Carolina for Franklin, North Carolina, as the station's community of license. Such a substitution, along with the modification of WNCC-FM's facilities to operate on Channel 281A at Webster, would result in first local service for that community. This allocation of Channel 281A to Webster would result in a preferential arrangement of allotments, pursuant to Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Under the allotment priorities set forth in Revision of FM Assignment and Procedures, the Commission will consider the following factors in granting a Petition to amend the Table of Allotments: 1) first full-time aural service; 2) second full-time aural service; 3) first local service; and 4) other public interest matters. See also Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The allotment of Channel 281A to Webster as first local service fulfills the Commission's third priority for FM allocations.

4. Webster, North Carolina, is clearly a community for allotment purposes, as it is an incorporated town with 486 persons (2000 U.S. Census). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census).

5. As an incorporated town, Webster is self-governing with its own Mayor (Robert Baker) and Town Clerk (Wanda Ashe). Its own post office serves the ZIP code 28788. Numerous churches, organizations, and businesses also serve Webster's citizens, including Webster United Methodist Church, Webster Baptist, and Webster Enterprises, Inc. See

Kenansville, Florida, 10 FCC Rcd **9831** (1995) (existence of a number of organizations incorporating the community's name is indicative of community status).

6. The deletion of the Channel 244A allotment at Franklin that WNCC-FM will be vacating results in no loss of service and allow the proposed allotments to conform with all Commission spacing requirements.<sup>6</sup> Franklin will remain well served with 3 remaining full time aural services.<sup>7</sup>

**The Commission Should Allocate Channel 236A to Tiger, Georgia, as First Local Service;**

7. Sutton: as licensee of station WRBN(FM), also requests that the Commission substitute Tiger, Georgia for Clayton, Georgia, as the station's community of license. Such a substitution, along with the modification of WRBN(FM)'s facilities to operate on Channel 236A at Tiger, would result in first local service for that community.<sup>8</sup> Clayton, Georgia, will continue to be well-served, with at least five fulltime FM stations remaining.'

8. In furtherance of this proposal, Sutton requests the allotment of Channel 236A to Tiger, Georgia.<sup>10</sup> By allotting Channel 236A to Tiger, Georgia, the Commission will provide that community with its first local service, and 11,384 persons will receive an additional full time reception service." Allocation of Channel 236A to Tiger would result in a preferential arrangement of allotments, pursuant to Revision of FM Assignment Policies and Procedures: 90 FCC 2d **88** (1982), as the provision of first local service fulfills the Commission's third priority for FM allocations.

9. Tiger, Georgia, is a community for allotment purposes. Tiger is an incorporated town with 316 persons (2000 U.S Census). See Revision of FM Assignment Policies and

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<sup>6</sup> See Technical Report at 2.

<sup>7</sup> *Id.*

<sup>8</sup> See Technical Report at 3.

<sup>9</sup> See Technical Report at 4.

<sup>10</sup> Proposed reference coordinates are at coordinates 34-48-01 North Latitude and 83-32-11 West Longitude

<sup>11</sup> See Technical Report at 3.

Procedures, 90 FCC 2d 88, 100(1982) (requirement of an allotment *to a* community is generally satisfied if the community is either incorporated or listed in the U.S. Census),

10. In addition to being an incorporated town, Tiger is self-governing with its own Mayor (Thomas Ramey) and City Council (Susan Rickman, Mike Carnes, Gerald Hunter, and Rowanda Burrell). A rural community situated in the North Georgia mountains. Tiger has attracted many long term residents, many of which work in the hospitality industry, serving visitors such as those that come to the Covecrest Retreat and Conference Center. A number of organizations and businesses – such as Hillside Orchard Farms and Tiger Mountain Vineyards – also serve Tiger residents and provide local employment in manufacturing and retail settings. See Kenansville, Florida, 10 FCC Rcd 9831 (1995) (existence of a number of organizations incorporating the community's name is indicative of community status). Churches such as Tiger Presbyterian Church, Liberty Baptist, Fairview Baptist have also established roots in the community. The town also includes the Traces of Tiger Retirement Community, home to many senior citizens who have found Tiger to be an enjoyable small town.

11. The proposed allotment of 236A is in full compliance with Section 73.207 spacing requirements with three exceptions – station WAEZ(FM)'s operation on Channel 234C at Greenville, Tennessee, a vacant Channel 236A allotment at Young Harris, and the Channel **237A** allotment at Dillsboro, North Carolina – all of which are addressed and cured by this proposal.

12. In order to clear the allotment of Channel 236C to Tiger, Georgia for first local service, the Commission should issue an *Order to Show Cause* as to why WAEZ(FM) Greenville, Tennessee should not be downgraded from a C to a CO on its existing Channel 234.<sup>12</sup> Such action is both proper and consistent with the Commission's actions in *In the Matter of 1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74*

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<sup>12</sup> See Technical Report at 4

*of the Commission's Rules*, MM Docket No. 98-93, 15 FCC Rcd 21649, 21662 (2000). The downgrade request is also proper under Section 1.420(g), note 2, of the Commission's Rules, which provides that the "reclassification of a Class C station [to Class CO] may be initiated through the filing of an original petition for amendment of the FM Table of Allotments." The rule further provides that "where a triggering petition proposes an amendment or amendments to the FM Table of Allotments, the Commission will issue an order to show cause [and that] a notice of proposed rule making will be issued only after the reclassification issue is resolved." *Id*

13. Finally, Sutton proposes that the Commission specify new reference coordinates for the 237A allotment at Dillsboro, North Carolina." The specification of new reference coordinates for this allotment would be in the public interest, as it will permit the establishment of a first local service at Tiger, Georgia.<sup>14</sup> It has long been established that changes may be made to vacant allotments in order to accommodate enhanced or new service. *See Arlington and McKinney, Texas*, 3 FCC Rcd 964 (1988). In addition, pursuant to *Reeder v. FCC*, 865 F.2d 1298 (DC Cir. 1989), vacant FM allotments are subject to the same procedures that govern all allotment proceedings and modifications should be routinely accepted.

#### **The Commission Should Allocate Channel 244A to Hiawassee, Georgia as First Local Service**

14. Finally, Sutton also proposes that the Commission substitute Channel 244A *at* Hiawassee, Georgia<sup>15</sup> for the vacant Channel 236A allotment at Young Hanis, Georgia. This Young Harris allotment represents a second service, and the Commission's allotment priorities would be served by the substitution of Channel 244A to Hiawassee in order to provide first local service to Hiawassee (fulfilling the Commission's third priority for FM allocations). Young

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<sup>13</sup> Present reference coordinates are at coordinates 35-15-56 North Latitude and 83-09-16 West Longitude. Proposed reference coordinates are 35-21-09 North Latitude and 83-06-53 West Longitude, which is a point 12.6 kilometers east of the community of license.

<sup>14</sup> *See* Technical Report at 6.

<sup>15</sup> Proposed reference coordinates are 35-02-55 North Latitude and 83-39-40 West Longitude.



Hanis will continue to receive local service from WZCM(AM) **and** there **will** be no actual loss of service. Thus, the substitution of Channel 244A at Hiawassee for Channel **236A** at Young Harris results in a preferential arrangement of allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989).

15. Hiawassee, Georgia, is a community for allotment purposes. Hiawassee is an incorporated town with 808 persons (2000 U.S. Census). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88. 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census).

16. Hiawassee is self-governing with its own Mayor (Barbara Mathis) and City Council (Hugh Hoodenpyle, Betty Bowers, Annie Johnson, Howard Cunningham, Bill Maney). In addition, Hiawassee has its own City Attorney (Richard Stancil), municipal water department, and implements a local sales tax. Numerous churches, organizations, and businesses also serve Hiawassee, including Hiawassee Church of Christ, Upper Hi Fly Outfitters, and Bank of Hiawassee. See Kenansville, Florida, 10 FCC Rcd 9831 (1995) (existence of a number of organizations incorporating the community's name is indicative of community status). Hiawassee also boasts a thriving tourism industry, attracting visitors from all over the Southeast every October with its annual Georgia Mountain Fair.

17. The proposed allotment of Channel 244A to Hiawassee is in full compliance with Section 73.207 spacing requirements. While the authorization for WDOD-FM, Chattanooga, Tennessee currently reflects operation on Channel 243C that would otherwise create a short-spacing, it has been automatically downgraded to a CO as a result of its response to the **Order** to *Show Cause* released on October 25, 2002 in FCC Rule Making 10591. See Letter from Coe W. Ramsey (Counsel to WDOD of Chattanooga, Inc.) to Marlene H. Dortch, dated November 25,

2002 (stating that “the licensee does not intend *to* seek authority to modify WDOD-FM’s technical facilities to minimum Class C HAAT pursuant to Section 73.3573, note **4**, of the Commission rules.”) (attached). In the Report and Order adopting the Class C to Class C0 downgrade procedure, the Commission stated that a “station will be downgraded **automatically** after 30 days if it does not express an intention to upgrade facilities or otherwise challenge a proposed reclassification[.]” In the Matter of 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules, para. 30, MM Docket No. 98-93 (1999)(emphasis supplied). Thirty days have passed since the licensee of WDOD-FM expressed its intention not to upgrade. Thus, WDOD-FM is properly treated as a Class C0 facility by this proposal.

### Summary of Public Interest Benefits

18. **As** the foregoing demonstrates, the net result of this proposal is first local service to Tiger, Georgia, Hiawassee, Georgia, and Webster, North Carolina. Furthermore, there will be *an* increase in 60 dBu reception service to an additional population of over 50,000. There are no individuals that would be underserved as a result of the plan put forth in this proposal.

### Conclusion

19. In light of the clear benefits to the public interest, Sutton Radiocasting Corporation requests that the FM Table of Allotments be amended as follows:

<b>Community</b>	<b>Present Channel</b>	<b>Proposed Channel</b>
Webster, NC	---	281A
Franklin, NC	244A	---
Tiger, <b>GA</b>	---	236A
Clayton, <b>GA</b>	281A	---
Hiawassee, <b>GA</b>	---	244A
Young Harris, <b>GA</b>	236A	---


Greenville, TN	235C	235C0
Dillsboro, NC	237A	237A

20. As demonstrated in the attached Technical Report, the changes involved in this proposal are interdependent with each other and mutually exclusive with the existing allocations and authorizations of co-owned stations WRBN(FM) and WNCC-FM. Sutton hereby certifies that it has a present intention to **apply** for the new channels when allotted, and when authorized, to promptly build the modified facilities and commence operation of WRBN(FM) at Tiger, Georgia, and WNCC-FM at Webster, North Carolina. Furthermore, Sutton certifies that it intends to apply for the allotment at Hiawassee, Georgia and, when authorized, construct and operate facilities to provide a first local service.

WHEREFORE, for the reasons above, the Commission should adopt this proposal in its entirety.

Respectfully submitted.

**SUTTON RADIOCASTING CORPORATION**

By:   
John F. Garziglia  
Mark Blacknell  
Its Attorneys

Womble Carlyle Sandridge  
& Rice, PLLC  
1401 Eye Street, N.W.  
Seventh Floor  
Washington, D.C. 20005  
(202) 857-4400

December 30, 2002

# Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205-534.0486

## TECHNICAL REPORT

This Technical Report has been developed in support of a proposed rulemaking that will yield three new first local FM services and a significant increase in population served. The proposals are mutually interdependent and rely on the change in community of license and transmitter site for two commonly owned stations - WNCC-FM at Franklin, NC and WRBN(FM) at Clayton, GA.

### I. Summary of Proposed Allocations Changes

Community	Existing	Proposed	Coordinates
Webster, NC	-----	281A	N35-19-40 W83-20-11 10.9 km West
Franklin, NC	244A		
Tiger, GA	-----	236A	N34-48-01 W83-32-11 10.7 km SW
Clayton, <b>GA</b>	281A		
Hiawassee, GA*	-----	244A	N35-02-55 W83-39-40 13.95 km NE
Young Harris, GA	236A	-----	
Greeneville, TN	235C	235C0	N36-04-34 W 82-41-28 WAEZ Licensed site
Dillsboro, NC	237A	237A	N35-21-09 W 83-06-53 Site specification for vacant allotment. 12.6km East

\* Reallocated from Young Harris

# Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205-534-0486

## II. Webster, NC 281A as First Local Service

A change in city of license station for station WNCC-FM on **244A** at Franklin, NC to channel 281A at Webster, NC is requested resulting in a first local service at Webster (2000 population - 486) at coordinates:

**N 35-19-40 W 83-20-11**

**10.9 km West.**

This allocation requires the mutually interdependent allocations changes summarized in Section 1 including the change in community, channel and transmitter site for station WNCC-FM.

The Webster allocation will serve a population of 64,739 in an area of 2,463 sq km. This represents a gain of 40,926 (172%) and 1684 sq km (+216%) compared to the licensed WNCC-FM **244A** facility at Franklin. It is noted that the pending application for modification to WNCC-FM is being dismissed by the applicant.

Franklin, NC will continue to be served by three local fulltime services including WFQS on 217C3, WFSC on 1050kHz (1kwD/.153kw-N) and WPFJ on 1480kHz (5 kw-D/.013kw-N). Franklin will continue to receive a 60 dBu reception service from the proposed WNCC-FM facility on 281A.

Exhibit E-IC shows that the proposed Webster 281A WNCC-FM facility (max class for a Class **A** with ERP corrected for greater than 100 meters HAAT) entirely encompasses the existing WNCC-FM 60 dBu. Therefore, there is no loss area. The **281A** allocation meets all Commission requirements as demonstrated including required separations (with the mutually interdependent changes proposed herein), lack of any

## Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205-534-0486

major obstruction between the proposed site and city of license, and 70 dBu service over the entire city of Webster (see E-18). Three allocation exhibits are provided:

**E-1A Allocation study**

**E-1B 70 dBu Contour plot**

**E-1C Gain-loss area plot**

### **111. Tieer. GA 236A as First Local Service**

A change in city of license station for station WRBN on 281A at Clayton, GA to channel 236A at Tiger. GA is requested resulting in a first local service at Tiger (2000 population - 316) at coordinates:

**N 34-48-01 W 83-32-11      10.8 km Southwest.**

This allocation requires the mutually interdependent allocations changes summarized in Section I including the change in community, channel and transmitter site for station WRBN. Consequently it is mutually exclusive with the existing WRBN facility.

The Tiger allocation will serve a population of 48,274 in an area of 2,463 sq km. This represents a 2000 population gain of 20,661 and a loss of 9,277 resulting in a net population gain of 11,384 (+38.8%) compared to the licensed WRBN 281A facility at Clayton.

Clayton, GA will continue to be served by station WGHC on 1370 kHz - 2.5 kw-  
D. Clayton will also continue to receive a 60 dBu reception service from WRBN on 236A at Tiger, GA.

# Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205-534-0486

An analysis of the loss area resulting from the move WRBN is provided as Exhibit E-2C. It is evident from this exhibit that the loss area will continue to be served by at least five (5) fulltime FM signals. This analysis was conducted in accordance with Commission procedures using the uniform maximum 60 dBu contours for all classes of FM stations with the exception of Class C where actual licensed contours were used.

Exhibit E-2A shows that the proposed allocation meets all allocation requirements with the allocation changes proposed in Section 1. It is also noted that a declassification of station WAEZ on 234C to 234C0 at Greeneville, TN is proposed. WAEZ operates at 100kw/ 332 meters HAAT much less than the required minimum Class C facilities (100kw/450 meters HAAT). **Consequently, a declassification of W A E Z to 234C0 is requested.** A comprehensive allocation study was performed, and it is concluded there are no other channels available for use at the proposed site. Consequently, the declassification of WAEZ is a necessary precondition to the implementation of this allocation proposal.

Exhibit E-2B shows that [he proposed Tiger, GA 236A allocation for WRBN will entirely encompasses the city of Tiger. The site obtains line of sight to the community and is in full compliance with Section 73.315.

Three allocation exhibits are provided:

**E-ZA Allocation study**

**E-2B 70 dBu Contour plot**

**E-ZC Gain and loss areas and existing fulltime services in loss area.**

# Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205-534-0486

## IV. Hiawassee, GA 244A as First Local Service

The allocation of 244A to Hiawassee, GA (2000 population - 808) as a first local service is proposed at coordinates:

**N 35-02-55 W 83-39-40**

**13.95 km Northeast**

This allocation requires the mutually interdependent allocations changes summarized in Section I including the reallocation of 236A as a second local service at Young Harris, GA to Hiawassee as a first local service. There are no pending applications for this vacant allotment. Consequently, it is not treated as an existing service and no gain/loss analysis is required. The proposed 244A allocation at Hiawassee will continue to provide a 60 dBu reception service to Young Harris.

The Hiawassee allocation will serve a 2000 population of 42,466 in an area of 2,463 sq km. It is noted that the allocation assumes the downgrade of station WDOD-FM at Chattanooga, TN to 243C0 as previously ordered in a show cause. If necessary, that declassification is also hereby requested.

Young Harris, GA will continue to be served by licensed station WZCM on 770 kHz / .75kw-D.

The Hiawassee 244A allocation meets all Commission allocation requirements as demonstrated including required separations ( E-3A assuming the mutually interdependent changes proposed herein), line of sight is obtained to the community from the proposed site and 70 dBu is provided service over the entire city of Hiawassee (see E-3B) in full compliance with Section 73.315. Two allocation exhibits are provided:



# Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205.534-0486

E-3A Allocation **study**

**E-3B 70 dBu** Contour plot

## V. Dillsboro. **NC** site restriction

The allocation of 236A at Tiger. GA requires a change in the allocation site for channel 237A at Dillsboro. NC *to* coordinates:

**N 35-21-09 W 83-06-53**

**12.6 km East**

A change in the allocation point for an allotment is routinely made to permit other allocation changes particularly those resulting in a preferential arrangement as proposed herein. **An** allocation study is included as **E-4A**. The site will provide line of sight and 70 dBu coverage **to** the community (see E-4B).

It **is** noted that the declass of station WAEZ at Greeneville, TN from **235C** to 235 **CO** is required to accommodate this site change. Station WAEZ operate at 100kw/ **332** meters HAAT much less than the required minimum Class **C** facilities (100kw/450 meters HAAT). Consequently, a declassification of WAEZ to **234C0** is requested. No other channel is available for use at this site. Consequently, the declassification of WAEZ is a necessary precondition to the site specification required for the instant allocation proposal.

## Conclusion

It is concluded that the allocation changed proposed in Section I represents a preferential arrangement of allotments resulting in three new first local services at Webster, NC, Tiger, GA and Hiawasse, GA. It will also result in a gain of 60 dBu

## Charles M. Anderson and Associates

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Tuscaloosa, AL 35406

Phone 205-366-9978  
Fax 205-366-1622  
Cell 205-534-0486

reception service to a population of 50,203. The only loss area is for the 236A allotment for WRBN at Tiger, GA and that area receives at least five fulltime reception services. Furthermore, no community loses a 60 dBu reception service. It is also noted that there are significant areas available for site selection for each of the allocations proposed herein. Sites specified are arbitrary reference points.

All population studies utilize 2000 Census data. Coverage plots were developed using the NGDC 30 second terrain database and the V-Soft INTERDLG program.



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Charles M. Anderson December 24, 2002

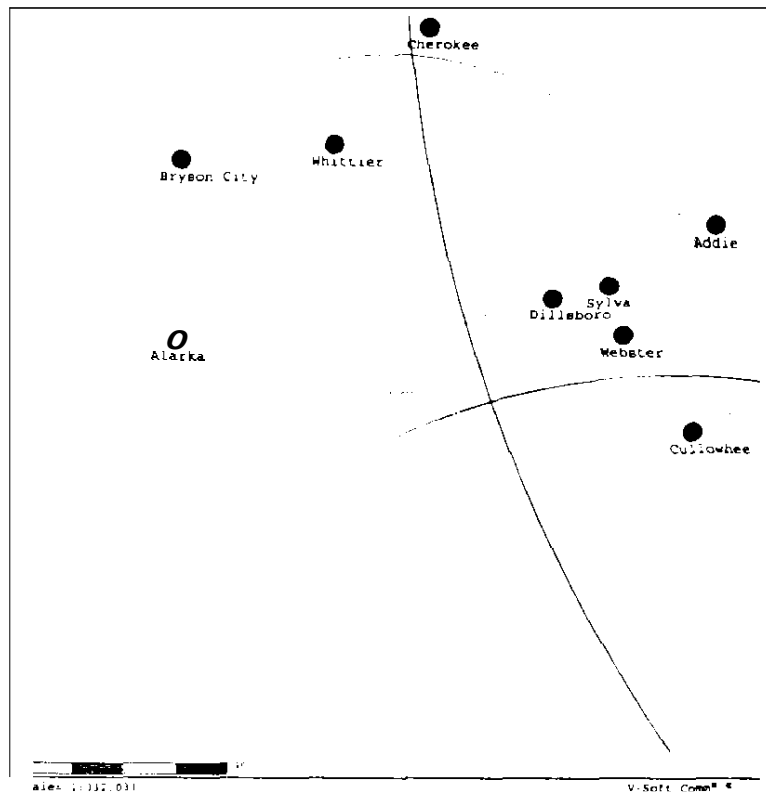
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## E-1A WEBSTER 281A

FMCONT<sup>(TM)</sup> LOCATE STUDY

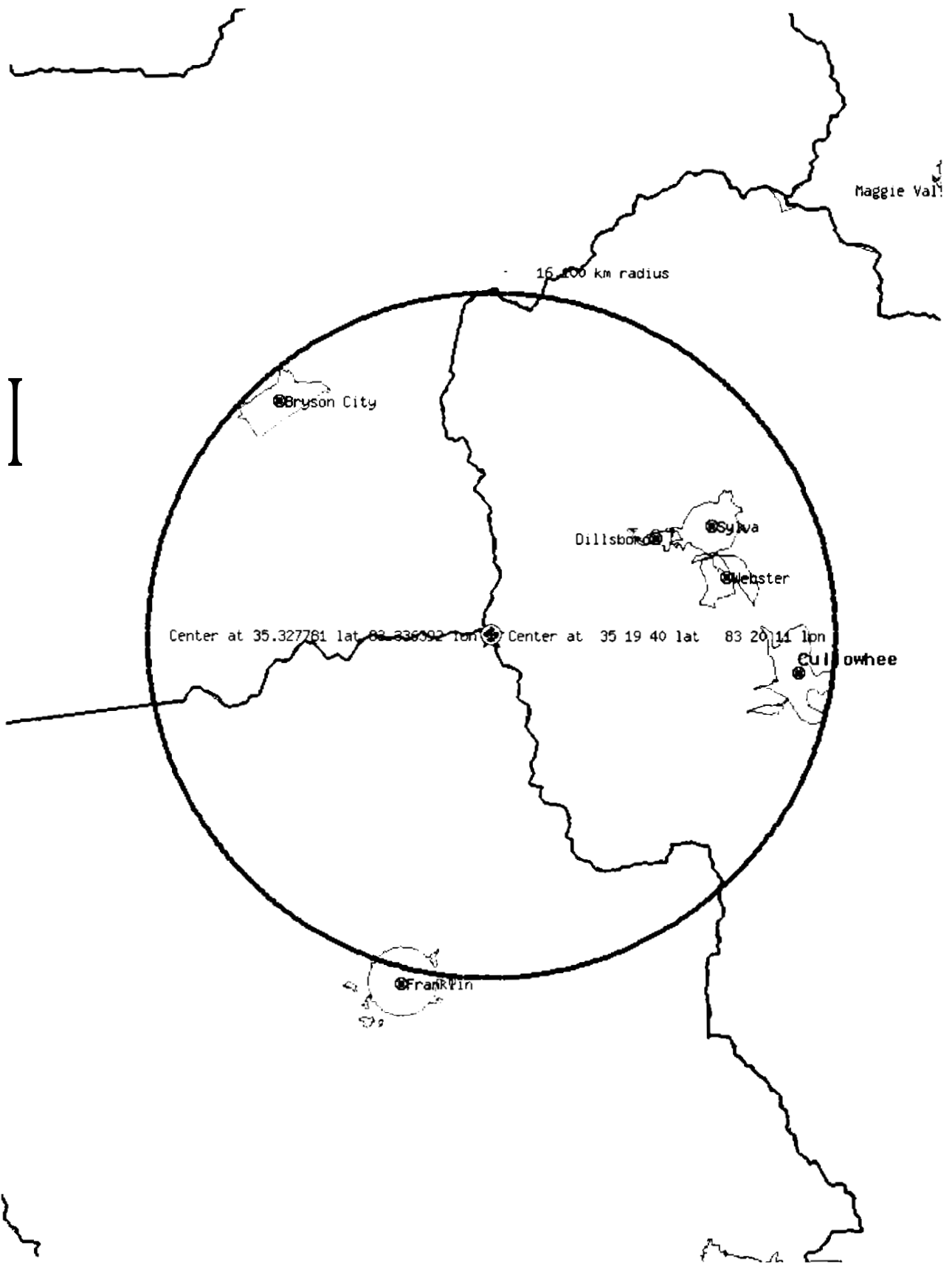
Ch 281 A  
104.1 MHz

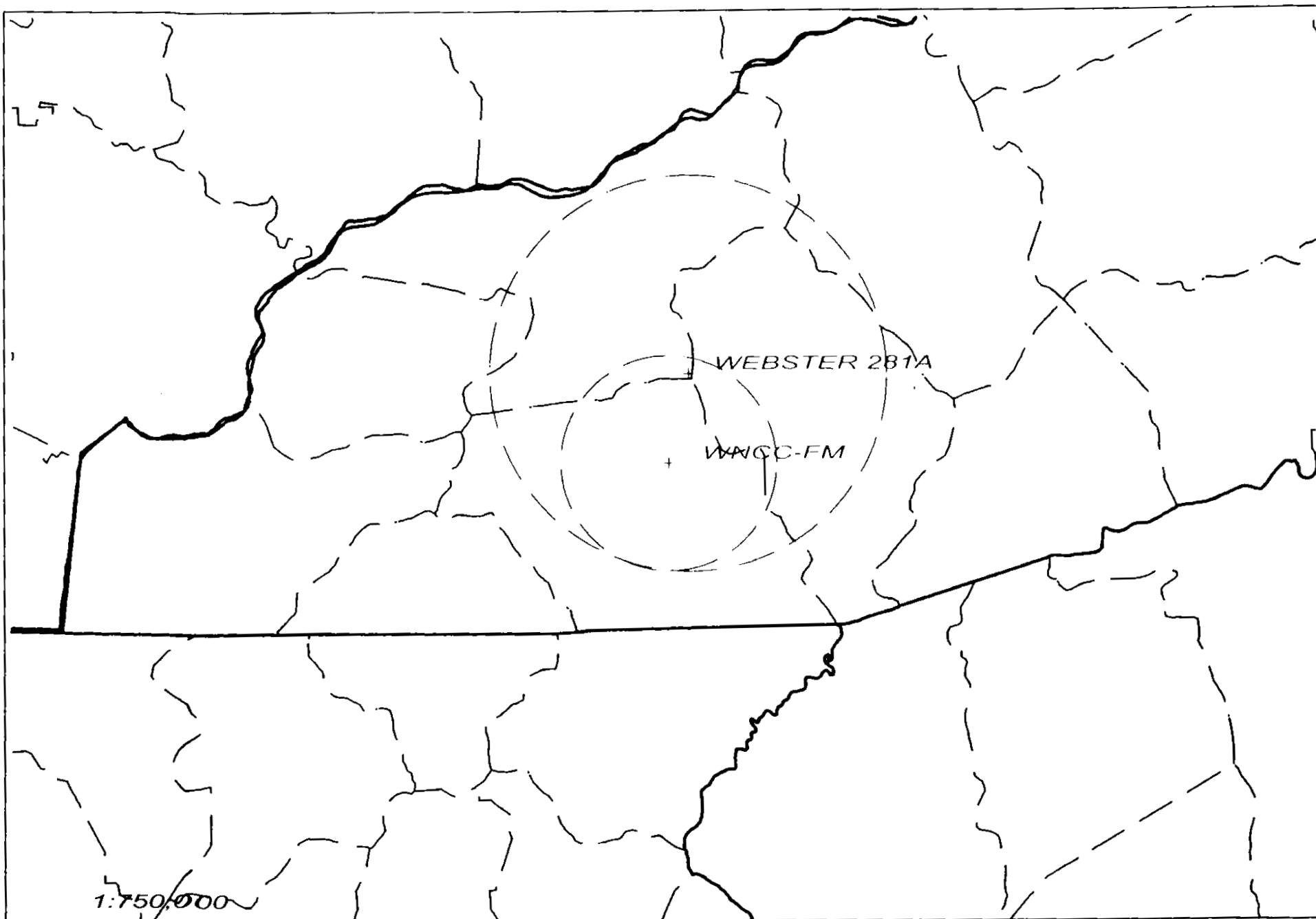
N. Lat. 35 19 40  
W. Lng. 83 20 11



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
WRBN	281A	LIC	Clayton	GA	47.27	188.8	114.5	-67.23
ALLO.U	281A	USE	Clayton	<b>GA</b>	50.09	185.4	114.5	-64.41
WRBN.A	281A	APP	Clayton	GA	59.25	190.3	114.5	-55.25
WIMZFM	278C	LIC	Knoxville	TN	96.21	338.8	94.5	1.71
ALLO.U	278C	USE	Knoxville	TN	96.21	338.8	94.5	1.71
ALLO.U	283A	USE	Highlands	NC	32.54	155.6	30.5	2.04
WHLC	283A	LIC	Highlands	NC	32.65	155.0	30.5	2.15
RADD	282A	ADD	Fletcher	NC	75.50	11.5	71.5	4.40
WCLEFA	281A	APP	Calhoun	TN	129.13	272.3	114.5	14.63
WCLEFA	281A	APP	Calhoun	TN	129.13	272.3	114.5	14.63
ALLO.U	281A	USE	Calhoun	TN	131.04	270.0	114.5	16.54
ALLO.U	280A	USE	Easley	SC	91.58	126.2	71.5	20.08
WOLI	280A	LIC	Easley	SC	91.58	126.2	71.5	20.08
WCLEFM	281A	LIC	Calhoun	TN	136.51	267.6	114.5	22.41
WQNQ	282A	LIC	Old Fort	NC	99.27	72.5	71.5	27.77
RDEL	282A	DEL	Old Fort	NC	99.27	72.5	71.5	27.77
WKHC.A	282A	APP	Dahlonaga	GA	100.54	214.6	71.5	29.04
WKHC.A	282A	APP	Dahlonaga	GA	100.54	214.6	71.5	29.04
WPPL	280A	LIC	Blue Ridge	GA	104.31	240.9	71.5	32.81
ALLO.U	280A	USE	Blue Ridge	GA	104.34	240.9	71.5	32.84
ALLO.U	282A	USE	Dahlonaga	<b>GA</b>	104.70	218.2	71.5	33.20
ALLO.U	282A	USE	Old Fort	NC	110.23	71.8	71.5	38.73

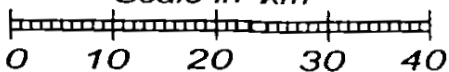
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1:750,000

Scale in km



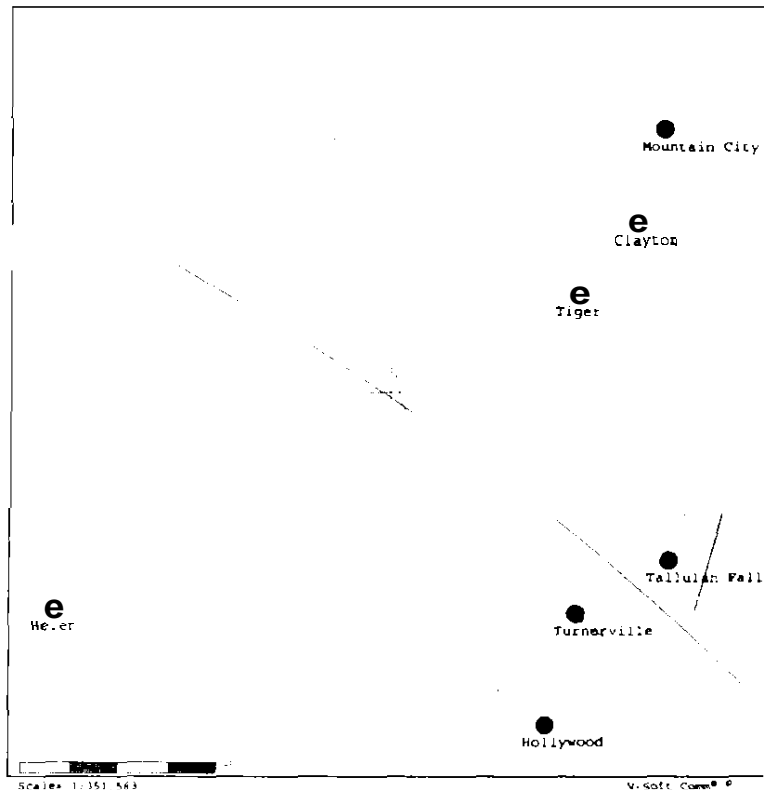
WNCCFM 244A 6kW 681M AMSL  
N. Lat. 35 12 42 W. Lng. 83 22 07

E-1C WEBSTER  
C. Anderson - 12/02

FMCONT<sup>TM</sup> LOCATE STUDY

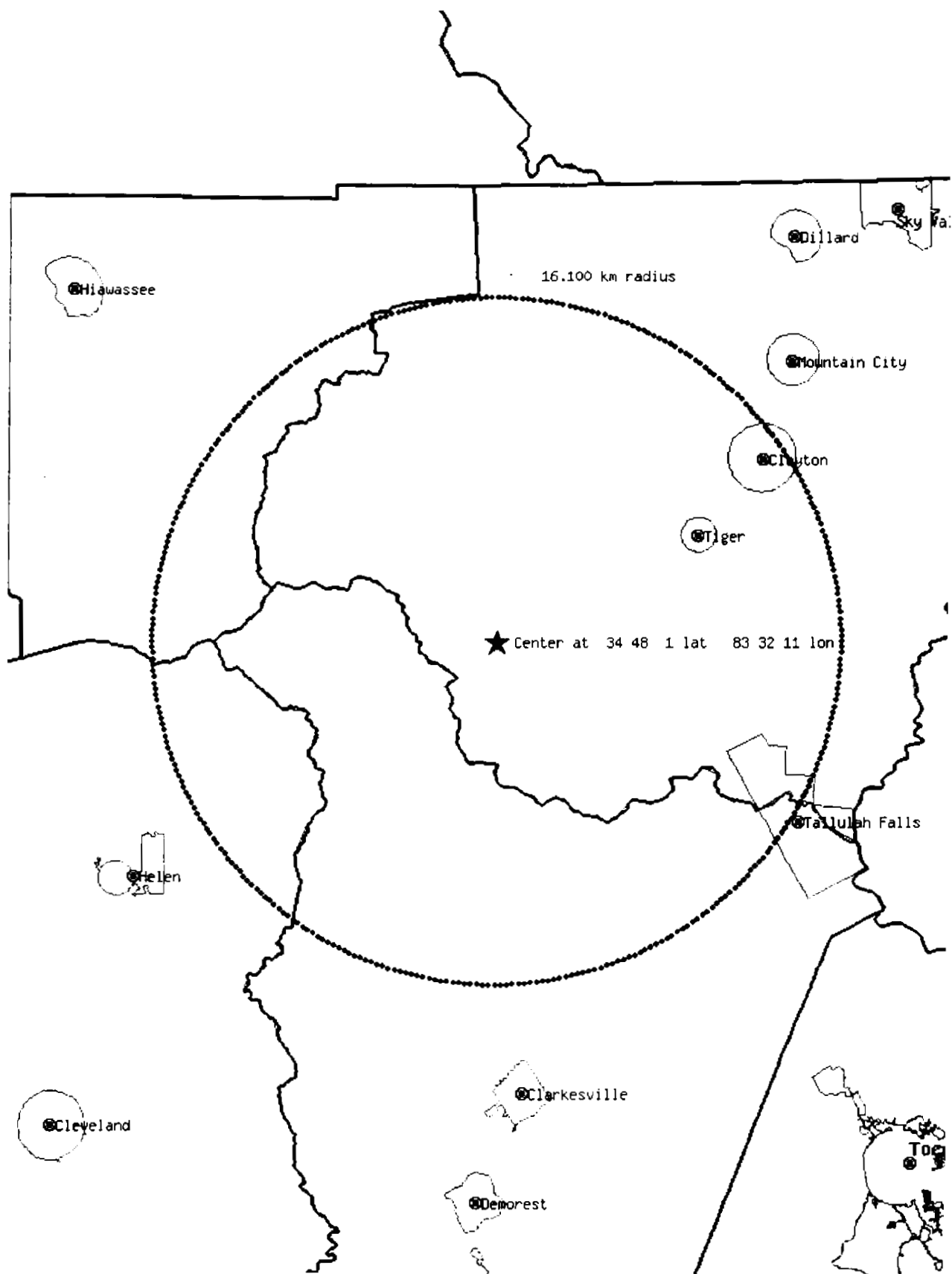
Ch 236 A  
95.1 MHz

N. Lat. 34 48 01  
W. Lng. 83 32 11



Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
ALLO.V	236A	VAC	Young Harris	GA 32.12	297.6	114.5	-82.38
ALLO.U	235C1-	USE	Atlanta	GA 132.69	214.0	132.5	0.19
WPCH	235C1-	LIC	Atlanta	GA 132.71	214.0	132.5	0.21
ALLO.U	236C	USE	Charlotte	NC 225.93	73.2	225.5	0.43
WNKS	236C	LIC	Charlotte	NC 225.93	73.2	225.5	0.43
ALLO.V	237A	VAC	Dillsboro	NC 72.33	31.9	71.5	0.83
WBTS	238C1-	LIC	Athens	GA 80.50	201.6	74.5	6.00
WBTS.C	238C1-	CP	Athens	GA 80.50	201.6	74.5	6.00
ALLO.U	238C1-	USE	Athens	GA 81.88	166.1	74.5	7.38
WAEZ	235C0-	LIC	Greeneville	TN 161.02	28.1	151.5	9.52
ALLO.U	233C	USE	Greenville	SC 104.05	81.0	94.5	9.55
WMUUFM	233C*	LIC	Greenville	SC 104.05	81.0	94.5	9.55
ALLO.U	236C3-	USE	Harlem	GA 177.93	144.6	141.5	36.43
RADD	289A	ADD	Glenville	NC 54.89	43.0	9.5	45.39
ALLO.V	237A	VAC	Due West	SC 118.33	118.6	71.5	46.83
WCHZ	236C3-	LIC	Harlem	GA 190.85	139.6	141.5	49.35
ALLO.U	237A	USE	Cleveland	TN 126.90	289.0	71.5	55.40
WALV	237A	LIC	Cleveland	TN 141.12	286.4	71.5	69.62
ALLO.U	237A	USE	Clinton	TN 147.87	342.9	71.5	76.37
WYFC	237A	LIC	Clinton	TN 147.87	342.9	71.5	76.37
WMGB	236C2-	LIC	Montezuma	GA 249.66	184.3	165.5	84.16
WTXMFM	239A	LIC	Maryville	TN 122.68	339.1	30.5	92.18

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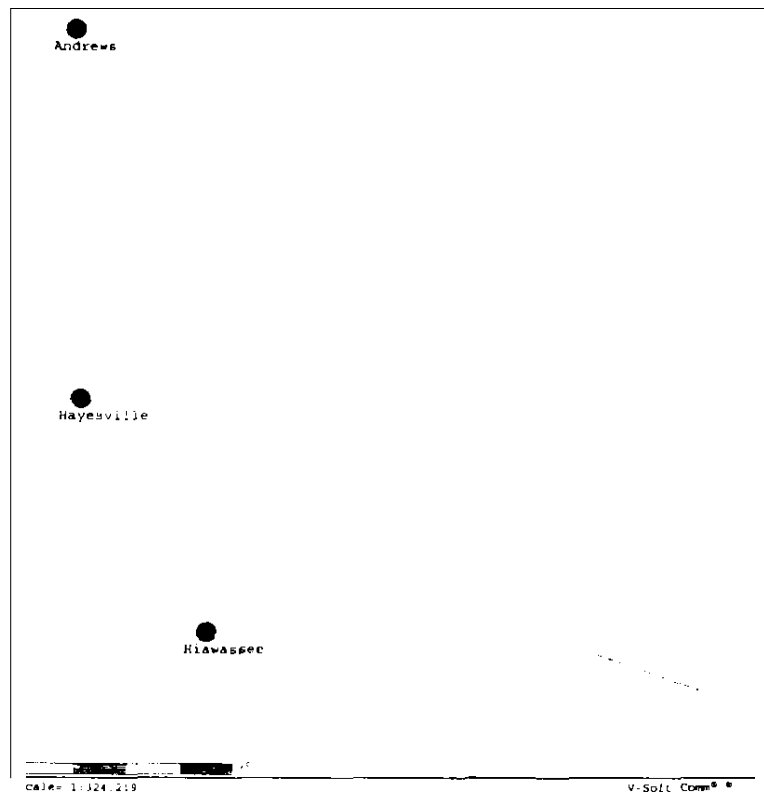


## E-3A HIAWASSEE 244A

FMCONT<sup>(TM)</sup> LOCATE STUDY

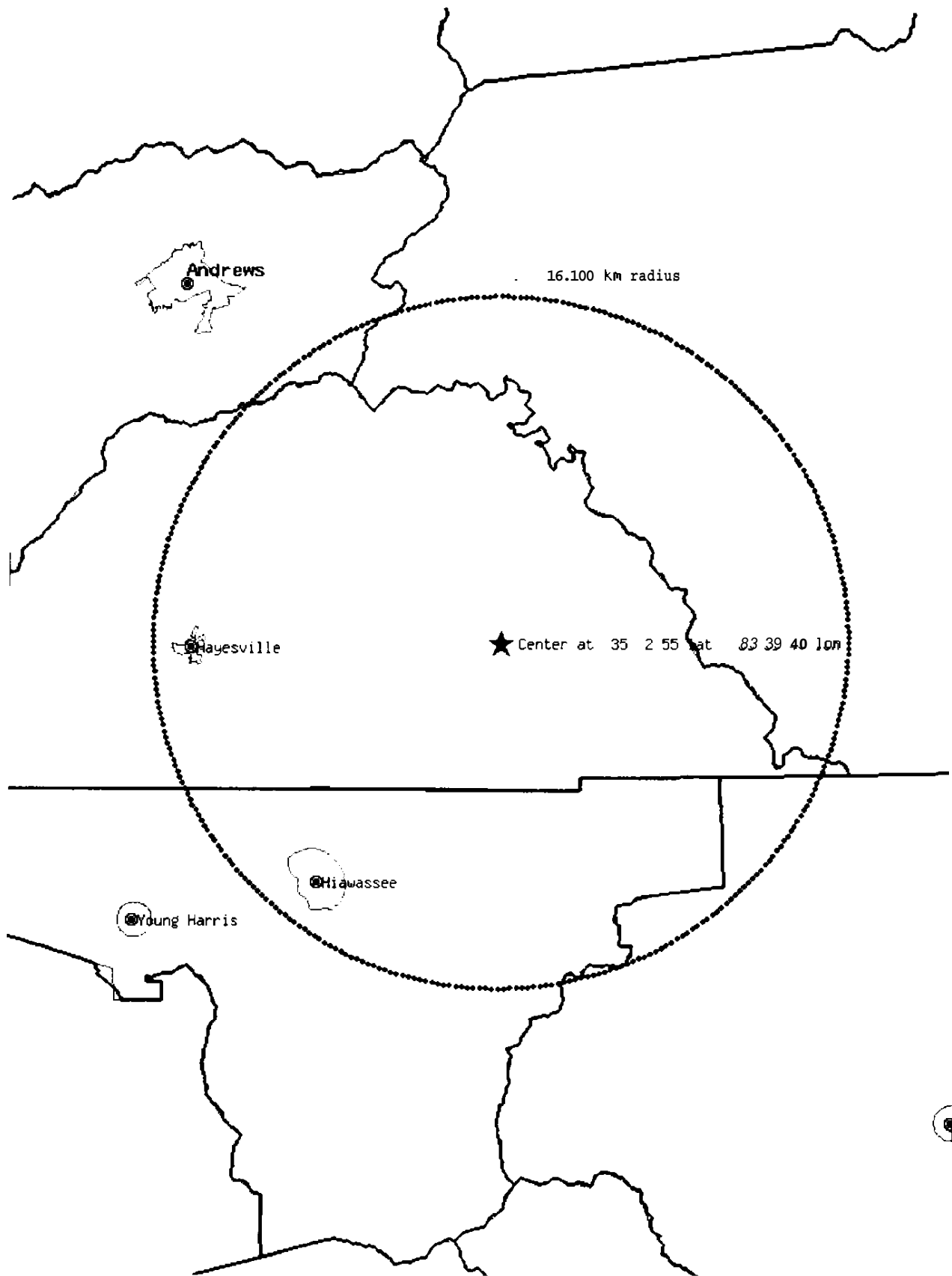
Ch 244 A  
96.7 MHz

N. Lat. 35 02 55  
W. Lng. 83 39 40



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
WNCCFM	244A	LIC	Franklin	NC	32.22	55.6	114.5	-82.28
WNCCFA	244A	APP	Franklin	NC	39.38	52.4	114.5	-75.12
WNCCFA	244A	APP	Franklin	NC	39.49	52.2	114.5	-75.01
WDODFM	243C0	LIC	Chattanooga	TN	151.59	275.2	151.5	0.09
WDODFC	243C0	CP	Chattanooga	TN	151.59	275.2	151.5	0.09
WBZTFM	244A	LIC	Mauldin	SC	115.89	96.7	114.5	1.39
WBZTFC	244A	CP	Mauldin	SC	115.89	96.7	114.5	1.39
WFOX	246C	LIC	Gainesville	GA	103.99	190.1	94.5	9.49
ALLO.U	246C	USE	Gainesville	GA	103.99	190.0	94.5	9.49
ALLO.U	244A	USE	Mauldin	SC	132.00	107.1	114.5	17.50
WOXL.C	243C3	CP	Biltmore Fores	NC	108.00	55.8	88.5	19.50
RADD	244A	ADD	Lake City	TN	137.87	338.4	114.5	23.37
WGOG	242A	LIC	Walhalla	SC	58.91	110.8	30.5	28.41
RADD	244A	ADD	Tignall	GA	146.57	147.9	114.5	32.07
ALLO.U	242A	USE	Walhalla	SC	63.76	109.8	30.5	33.26
ALLO.U	243C3	USE	Biltmore Fores	NC	124.96	62.5	88.5	36.46
WXBQFM	245C	LIC	Bristol	TN	206.44	41.4	164.5	41.94
ALLO.U	243A	USE	Biltmore Fores	NC	115.02	60.7	71.5	43.52
WZLS.C	243A	CP	Biltmore Fores	NC	118.48	62.9	71.5	46.98
870831	243A	APP	Biltmore Fores	NC	118.79	62.8	71.5	47.29
ALLO.U	245C	USE	Bristol	TN	217.65	37.5	164.5	53.15
WKLS	241C*	LIC	Atlanta	GA	151.18	204.5	94.5	56.68

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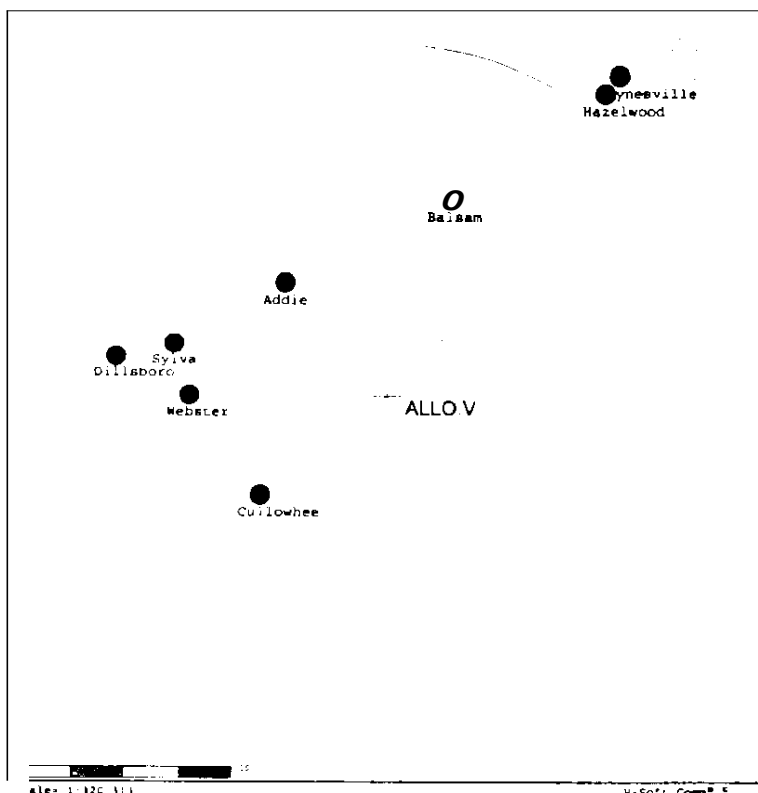


## E-4A DILLSBORO SITE SPECIFICATION

FMCONT<sup>(TM)</sup> LOCATE STUDY

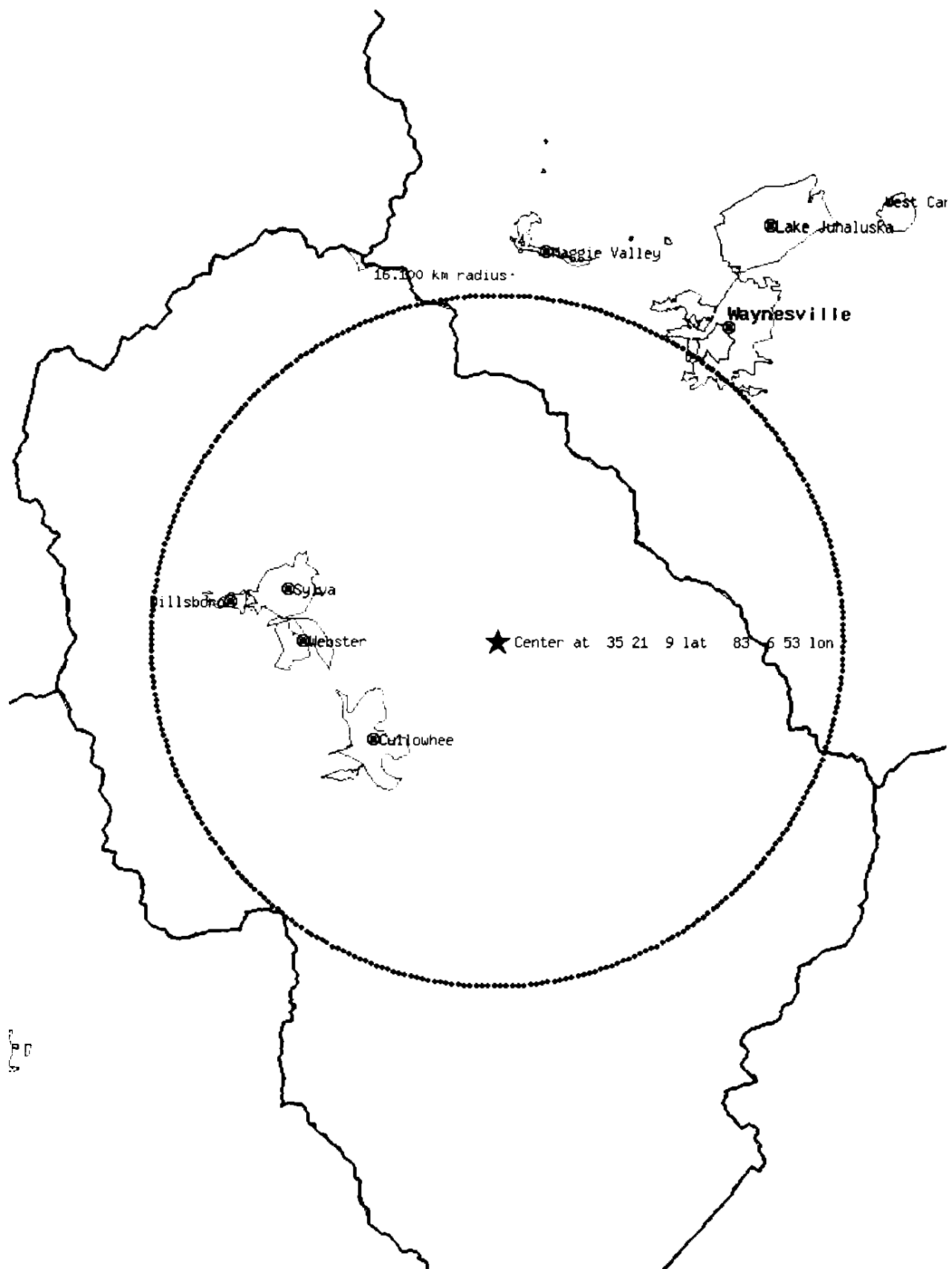
Ch 237 A  
95.3 MHz

N. Lat. 35 21 09  
W. Lng. 83 06 53



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
ALLO.V	237A	VAC	Dillsboro	NC	0.00	0.0	114.5	-114.50
WYFC	237A	LIC	Clinton	TN	114.53	314.6	114.5	0.03
ALLO.U	237A	USE	Clinton	TN	114.53	314.6	114.5	0.03
WAEZ	235C0-	LIC	Greeneville	TN	88.97	25.3	85.5	3.47
ALLO.U	238C1-	USE	Athens	GA	142.00	187.7	132.5	9.50
ALLO.V	236A	VAC	Young Harris	GA	81.44	235.3	71.5	9.94
WNKS	236C	LIC	Charlotte	NC	178.10	89.1	164.5	13.60
ALLO.U	236C	USE	Charlotte	NC	178.10	89.1	164.5	13.60
WBTS	238C1-	LIC	Athens	GA	152.22	206.7	132.5	19.72
WBTS.C	238C1-	CP	Athens	GA	152.22	206.7	132.5	19.72
ALLO.V	237A	VAC	Due West	SC	134.81	151.2	114.5	20.31
WCVPFM	240A	LIC	Robbinsville	NC	62.81	260.5	30.5	32.31
ALLO.U	240A	USE	Robbinsville	NC	62.81	260.5	30.5	32.31
ALLO.U	237A	USE	Cleveland	TN	159.60	263.0	114.5	45.10
ALLO.V	240A	VAC	Pendleton	SC	84.13	158.5	30.5	53.63
ALLO.U	291C1-	USE	Toccoa	GA	77.19	206.4	21.5	55.69
WALV	237A	LIC	Cleveland	TN	175.13	263.1	114.5	60.63
WTXMFM	239A	LIC	Maryville	TN	98.02	303.2	30.5	67.52
ALLO.U	239A	USE	Maryville	TN	99.43	302.6	30.5	68.93
WRZK.C	240C2-	CP	Colonial Heigh	TN	138.71	19.8	54.5	84.21
WRZK	240C2-	LIC	Colonial Heigh	TN	138.71	19.8	54.5	<b>84.21</b>
ALLO.U	240C2-	USE	Colonial Heigh	TN	144.67	17.7	54.5	90.17

Charles M. Anderson



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. ____
Table of Allotments,	)	RM- ____
FM Broadcast Stations.	)	
	)	
(Clayton, Hiawassee and	)	
Young Harris, GA, Dillsboro, Franklin,	)	
and Webster, NC and Greenville, TN	)	

To: Chief, Allocations Branch


**WITHDRAWAL OF EXPRESSION OF INTEREST**

M. Teny Carter and Douglas Sutton, Jr. d/b/a Tugart Communications, a Georgia Partnership, by its attorneys, hereby withdraws their expression of interest in the allotment of Channel 236A to Young Harris, Georgia. In light of the Petition for Rule Making filed by Sutton Radiocasting Corporation seeking to provide first local service to three communities through the allotment of Channel 281 to Webster, North Carolina, the allotment of Channel 236A to Tiger, Georgia, and the allotment of Channel 244A to Hiawassee, Georgia, it appears **that** the substitution of this allotment to Hiawassee. Georgia would better serve the public interest that the provision of a second service to Young Harris, Georgia

Attached pursuant to Section 1.420(j)(1) of the Commissions' Rules **is** a certification that neither Tugart Communications, nor any of its principals, has received or will receive any money or other consideration for a withdrawal of the expression of interest.

Respectfully submitted,

**TUGART COMMUNICATIONS**

By:   
John P. Garziglia  
Mark Blacknell  
Its Attorneys

Wornble Carlyle Sandridge  
& Rice, PLLC  
1401 Eye Street, N.W.  
Seventh Floor  
Washington, D.C. 20005  
(202) 857-4400

December 30, 2002

## WITHDRAWAL OF EXPRESSION OF INTEREST

Tugart Communications, the sole proponent of the allotment of Channel 236A to Young Harris, Georgia, hereby withdraws its expression of interest in that allotment so that the public interest may be better served by the provision of first local service to Hiawassee, Georgia. Tugart Communications certifies that neither it nor its principals have received or will receive any money or other consideration for the withdrawal and dismissal of its expression of interest

TUGART COMMUNICATIONS

A handwritten signature in black ink, appearing to read "M. Terry darter", written over a horizontal line.

M. Terry darter, Managing Partner

Signed and dated this 20<sup>th</sup> day of December, 2002 under penalty of perjury.

**CERTIFICATE OF SERVICE**

I, Regina McFadden, a secretary in the law ~~firm~~ of Wornble Carlyle Sandridge & Rice, PLLC. do hereby certify that I have on this 30<sup>th</sup> of December, 2002, caused copies of the foregoing Petition for Rulemaking to be mailed to the following by first-class United States mail, postage prepaid:

Bristol Broadcasting Company, Inc.  
P.O. **Box** 1389  
Bristol, **VA** 24201  
(Licensee of WAEZ(FM), Greenville, TN)

  
Regina McFadden